

1 AN ACT to amend the Illinois Wage Payment and Collection
2 Act by adding Section 4.5.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Wage Payment and Collection Act
6 is amended by adding Section 4.5 as follows:

7 (820 ILCS 115/4.5 new)

8 Sec. 4.5. Employee's child support obligation; payment
9 of wages in cash.

10 (a) Before employing a person as an employee, an
11 employer shall ask the person whether he or she currently
12 owes a duty to make payments for the support of a child under
13 an order for support as defined in the Income Withholding for
14 Support Act.

15 (b) If an employer pays wages in cash to an employee who
16 at the time of payment owes a duty to make payments for the
17 support of a child under an order for support as defined in
18 the Income Withholding for Support Act and if that payment of
19 wages in cash enables the employee to evade his or her duty
20 to make payments for the support of a child under that order
21 for support, then the employer commits a business offense by
22 making that payment of wages in cash. Upon conviction of an
23 offense under this subsection, an employer shall be fined (i)
24 an amount equal to 3 times the amount of support for which
25 the employee was able to evade payment because of the
26 employer's payment of his or her wages in cash plus (ii) the
27 costs of collecting that support. Upon collecting the fine,
28 the clerk of the court shall pay the amount of the fine to
29 the custodial parent or other legal guardian of the child for
30 whom the employee owed the support, for the benefit of the
31 child.